

AMENDED IN SENATE MAY 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 673

Introduced by Assembly Member Santiago

February 25, 2015

An act to amend Section 1203.9 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 673, as amended, Santiago. Probation and mandatory supervision: jurisdiction.

Existing law requires a court to transfer the case of a person released on probation or mandatory supervision to the superior court in any other county in which the person resides permanently, unless the transferring court determines the transfer would be inappropriate and states its reasons on the record. Existing law requires the court of the receiving county to accept the entire jurisdiction over the case.

This bill would require the receiving court to accept the entire jurisdiction over the case effective the date the transferring court orders the transfer. The bill would provide that when ~~fin~~*es fines, forfeitures, penalties, assessments*, or restitution ~~has~~ *have* been ordered by the transferring court and have not been fully paid, those payments ~~shall~~ *would* be made to the *collecting program for the* transferring court for distribution and accounting. The bill would authorize the receiving court and probation department to ~~amend financial orders~~*, impose additional local fees and costs, as specified*, and would authorize the collection ~~agency~~ *program* for the receiving court to collect court-ordered payments from the defendant *for transmittal to the collection program for the transferring court*, as specified. *The bill would require the Judicial Council to consider adoption of rules of*

court as it deems appropriate to implement the collection, accounting, and disbursement requirements of the bill.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1203.9 of the Penal Code is amended to
2 read:

3 1203.9. (a) (1) Except as provided in paragraph (3), whenever
4 a person is released on probation or mandatory supervision, the
5 court, upon noticed motion, shall transfer the case to the superior
6 court in any other county in which the person resides permanently,
7 meaning with the stated intention to remain for the duration of
8 probation or mandatory supervision, unless the transferring court
9 determines that the transfer would be inappropriate and states its
10 reasons on the record.

11 (2) Upon notice of the motion for transfer, the court of the
12 proposed receiving county may provide comments for the record
13 regarding the proposed transfer, following procedures set forth in
14 rules of court developed by the Judicial Council for this purpose,
15 pursuant to subdivision (f). The court and the probation department
16 shall give the matter of investigating those transfers precedence
17 over all actions or proceedings therein, except actions or
18 proceedings to which special precedence is given by law, to the
19 end that all those transfers shall be completed expeditiously.

20 (3) If victim restitution was ordered as a condition of probation
21 or mandatory supervision, the transferring court shall determine
22 the amount of restitution before the transfer unless the court finds
23 that the determination cannot be made within a reasonable time
24 from when the motion for transfer is made. If a case is transferred
25 without a determination of the amount of restitution, the
26 transferring court shall complete the determination as soon as
27 practicable. In all other aspects, except as provided in subdivisions
28 (d) and (e), the court of the receiving county shall have full
29 jurisdiction over the matter upon transfer as provided in subdivision
30 (b).

31 (b) The court of the receiving county shall accept the entire
32 jurisdiction over the case effective the date that the transferring
33 court orders the transfer.

(c) The order of transfer shall contain an order committing the probationer or supervised person to the care and custody of the probation officer of the receiving county and, if applicable, an order for reimbursement of reasonable costs for processing the transfer to be paid to the sending county in accordance with Section 1203.1b. A copy of the orders and any probation reports shall be transmitted to the court and probation officer of the receiving county within two weeks of the finding that the person does permanently reside in or has permanently moved to that county, and the receiving court shall have entire jurisdiction over the case, except as provided in subdivisions (d) and (e), with the like power to again request transfer of the case whenever it seems proper.

(d) (1) Notwithstanding subdivision (b) and except as provided in subdivision (e), if the transferring court has ordered the defendant to pay fines, fees, *forfeitures, penalties, assessments*, or restitution, the transfer order shall require that those and any other ~~collections amounts~~ ordered by the transferring court *that are still unpaid at the time of transfer* be paid by the defendant to the collection-agency program for the transferring court for proper distribution and accounting *once collected*.

(2) The receiving court and receiving county probation department may ~~amend financial orders and add~~ impose additional local fees *and costs* as authorized, and shall notify the responsible collection-agency program *for the transferring court* of those changes.

(3) Any local fees imposed pursuant to paragraph (2) shall be ~~collected by the collection agency paid by the defendant to the collection program for the receiving~~ transferring court which shall *remit the additional fees and costs to the receiving court for deposit and accounting, and shall not be sent to the collection agency for the transferring court.* proper distribution.

(e) (1) ~~A~~ Upon approval of a transferring court, a receiving court may elect to collect court-ordered payments from a defendant, ~~provided~~ *provided*, however, that the collection-agency program for the receiving court transmits the ~~funds revenue~~ collected to the collection-agency program for the transferring court ~~for deposit and accounting~~ *deposit, accounting, and distribution*. A collection agency program for the receiving court shall not charge administrative fees for collections ~~completed~~ *performed* for the

1 collection-~~agency~~ *program* for the transferring court without ~~an a~~
2 *written* agreement with the other-~~agency~~ *program*.

3 (2) A collection-~~agency~~ *program* for a receiving court collecting
4 funds for a collection-~~agency~~ *program* for a transferring court
5 pursuant to paragraph (1) shall not report ~~funds~~ *revenue* owed or
6 collected on behalf of the collection-~~agency~~ *program* for the
7 transferring court as part of those collections required to be reported
8 *annually* by the court to the ~~Administrative Office of the Courts~~
9 *Judicial Council*.

10 (f) The Judicial Council shall promulgate rules of court for
11 procedures by which the proposed receiving county shall receive
12 notice of the motion for transfer and by which responsive
13 comments may be transmitted to the court of the transferring
14 county. The Judicial Council shall adopt rules providing factors
15 for the court's consideration when determining the appropriateness
16 of a transfer, including, but not limited to, the following:

17 (1) Permanency of residence of the offender.

18 (2) Local programs available for the offender.

19 (3) Restitution orders and victim issues.

20 (g) *The Judicial Council shall consider adoption of rules of*
21 *court as it deems appropriate to implement the collection,*
22 *accounting, and disbursement requirements of subdivisions (d)*
23 *and (e).*